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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Jean-Louis GUERET

Group Art Unit: 3751

Application No.: 10/766,866

Examiner: D. WALCZAK

Filed: January 30, 2004

Docket No.: 118322

For: A PACKAGING AND APPLICATOR DEVICE

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the August 31, 2005 Restriction Requirement, Applicant provisionally elects Group I, claims 1-28 and 31-36, with traverse. Furthermore, Applicant elects Species I related to Figures 1 and 13 and sub-species A related to Figures 6 and 7, with traverse. At least claims 1-7, 10-28 and 31-36 are readable on the elected species and sub-species. At least claims 1-3, 13, 15, 16, 18-28 and 31-36 are generic to all species.

It is respectfully submitted that the subject matter of all claims and species is sufficiently related that a thorough search for the subject matter of any one Group of claims or species would encompass a search for the subject matter of the remaining claims or species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should

apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction and Election of Species Requirement is respectfully requested.

Respectfully submitted,



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WPB:KLK/axl

Date: October 11, 2005

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